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VIA ECF

February 11, 2022

The Honorable John G. Koeltl
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re 52 subpoenas*, Case No. 1:22-mc-00036-JGK

Dear Judge Koeltl:

*While the initial review
is conducted by the Magistrate
Judge, it is reviewed by the
District Court judge with
the opportunity for review by
the Court of Appeals.*

so ordered.

*2/14/22 JRG/Koeltl
U.S.D.J.*

We represent Ukraine in the above-referenced action. Please see the attached letter from the Ministry of Justice of Ukraine.

Respectfully submitted,

s/Maria Kostytska
Maria Kostytska, Partner
WINSTON & STRAWN LLP

Kelly Librera, Partner
WINSTON & STRAWN LLP

Counsel for Ukraine

cc: Lauren K. Handelsman and Sarah A. Dowd, Binder & Schwartz LLP
Jonathan Blackman, Mark McDonald, Cleary Gottlieb Steen & Hamilton LLP



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11.02.2022

№ 17896/35.1/20-22

Ha. № _____

VIA ECF

Amended on February 11, 2022

The Honorable John G. Koeltl
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

The Honorable Jesse M. Furman
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re 52 subpoenas*, Case No. 1:22-mc-00036-JMF

Dear Judge Koeltl and Judge Furman:

I am Director of the Department of International Disputes at the Ministry of Justice of Ukraine. This Department handles representation of Ukraine in this dispute, including the above-referenced action assigned by the Court to Judge Furman on February 8 and to Judge Koeltl on February 10.

On behalf of Ukraine,¹ I respectfully request that Your Honor assigned to the case retain jurisdiction as an Article III judge over this action as it involves a foreign sovereign and touches upon matters of foreign policy in the current alarming geopolitical context, as demonstrated by the Memorandum of Law submitted by Ukraine on February 7.²

Ukraine believes that the disposition of Ukraine's motion directly by a District Judge would enable a much-needed resolution of Ukraine's motion in this instance, and would conserve the parties' and the Court's resources.

Respectfully submitted,

Anna Tyshchenko
Director
Department of International Disputes, Ministry
of Justice of Ukraine

cc: all counsel of record

¹ Nothing in this letter declaration should be taken as a waiver of any privilege or right on the part of Ukraine. For the avoidance of doubt, nothing in this letter should be taken as amounting to acceptance of jurisdiction or a waiver of the sovereign immunity of Ukraine, including the immunity of its officials and its property under the Foreign Sovereign Immunities Act and international law. All rights, privileges, and immunities are expressly reserved.

² The implications of Tatneft's 52 subpoenas are being discussed in mainstream press. See, e.g., <https://www.bloomberg.com/news/articles/2022-02-08/ukraine-calls-subpoenas-by-russia-s-tatneft-dangerous-pretext>.